

PROCEEDINGS/MINUTES OF CITY COUNCIL

...May 18, 2016...

Council convened at 2:00 p.m., Vice Mayor David Mann, Presiding. Present were Councilmembers Flynn (in at 2:02 p.m.), Murray, Seelbach, Sittenfeld, Smitherman, Winburn (in at 2:02 p.m.) and Young.

Also in attendance were Asst. City Manager Sheila Hill Christian, Asst. City Solicitor Luke Blocher and Clerk of Council Melissa Autry.

Council observed a moment of silent prayer and recited the Pledge of Allegiance to the Flag.

There being no objection, Minutes of the previous session of Council were ordered Filed.

Items on the Council Calendar and items presented By-Leaved were disposed of as follows:

Councilmember Simpson was excused.

MAYOR CRANLEY

Item #: 201600649

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Julia Abell to the Southwest Ohio Region Workforce Investment Board.

Status/Recommendations:

CONFIRM

*** CONFIRMED

MR. WINBURN	A
MR. YOUNG	Y
MR. FLYNN	A
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	A
MR. SITTENFELD	Y
MR. SMITHERMAN	Y

MR. FLYNN
MR. SMITHERMAN
MS. SIMPSON
MR. SEELBACH
MR. MANN

Item #: 201600693

MOTION, dated 5/16/2016 submitted by Councilmembers Flynn, Smitherman, Simpson, Seelbach and Vice Mayor Mann, WE MOVE that the Clerk of Council explore the feasibility of embedding links to the documents associated with agenda items in the agendas if publishes for meetings and committees of City Council.

(STATEMENT ATTACHED)

Status/Recommendations:

RULES & AUDIT COMMITTEE

MR. FLYNN
MR. YOUNG
MR. SEELBACH
MS. MURRAY
MS. SIMPSON
MR. WINBURN
MR. SMITHERMAN
MR. SITTENFELD
MR. MANN

Item #: 201600650

MOTION, submitted by Councilmembers Flynn, Young, Seelbach, Murray, Simpson, Winburn, Smitherman, Sittenfeld and Vice Mayor Mann, WE MOVE that pursuant to Article II, Section 15 of the Administrative Code of the City of Cincinnati that Anthony E. Barwick is appointed as a member of the Internal Audit Committee. (Resume Attached)

Status/Recommendations:

RULES & AUDIT COMMITTEE

MR. MANN

Item #: 201600686

RESOLUTION, dated 5/13/2016 submitted by Vice Mayor David Mann, EXPRESSING the City of Cincinnati's support for the State of Ohio's Energy Efficiency Resource and Renewable Portfolio Standards which were enacted and established in 2008 in order to create jobs, save consumers money, and protect public health; and further URGING Governor Kasich and the Ohio General Assembly to reinstate these Standards without further delay.

Status/Recommendations:

PASS

*** PASSED 0027-2016

MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	R
MR. SEELBACH	Y
MS. SIMPSON	A
MR. SITTENFELD	Y
MR. SMITHERMAN	Y

MS. MURRAY

Item #: 201600694

COMMUNICATION, submitted by Councilmember Murray from Gregory D. Delev, Delev & Associates, LLC, Attorneys at Law, regarding Willbarre & Close Court.

Status/Recommendations:

TRANSPORTATION & REGIONAL COOPERATION COMMITTEE

MR. SEELBACH

Item #: 201600689

RESOLUTION, submitted by Councilmember Chris Seelbach, RECOGNIZING the month of May 2016 as National & Cincinnati Bike Month, the week of May 16, 2016 through May 20, 2016 as Bike to Work Week, and Friday, May 20, 2016 as Bike to Work Day; and further URGING all road users to share the road safely.

Status/Recommendations:

PASS

*** PASSED 0028-2016

MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	A
MR. SITTENFELD	Y
MR. SMITHERMAN	Y

MR. SEELBACH

MS. MURRAY

MR. FLYNN

MR. SITTENFELD

MS. SIMPSON

MR. YOUNG

MR. WINBURN

MR. SMITHERMAN

MR. MANN

Item #: 201600690

MOTION, dated 5/11/2016 submitted by Councilmembers Seelbach, Murray, Flynn, Sittenfeld, Simpson, Young, Winburn, Smitherman and Vice Mayor Mann, WE MOVE that the Administration develop appropriate policies to make City Hall and other appropriate city-owned facilities dog-friendly work environments. WE FURTHER MOVE that the Administration review the evolving workplace policies of modern businesses to ensure that the City continues to offer competitive amenities to the private sector to ensure the City remains a conducive and engaging workplace. (STATEMENT ATTACHED)

Status/Recommendations:

RULES & AUDIT COMMITTEE

MR. SMITHERMAN

Item #: 201600692

ORDINANCE, submitted by Councilmember Smitherman, by Paula Boggs Muething, City Solicitor, on 5/17/2016, NOTWITHSTANDING the provisions of Section 743-17, "Compensatory Payments," of Chapter 743, "Urban Forestry," of Title VII, "General Regulations," of the Cincinnati Municipal Code, and any other provisions of the Cincinnati Municipal Code that would limit the action being

authorized, the Director of the Cincinnati Parks Department is hereby AUTHORIZED to permit the property owner at 6248 Gracely Drive, Cincinnati, Ohio 45233 to remove the public tree located on the property that is part of the City's urban forestry program, or cause the tree to be removed, with paying for the tree to be replaced as required under Section 743-17 of the Cincinnati Municipal Code.

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

MR. YOUNG

Item #: 201600691

RESOLUTION, submitted by Councilmember Young, EXPRESSING gratitude and sympathy from the Mayor and City Council of the City of Cincinnati for the life and service of Charles Keating IV, a Navy SEAL who lost his life in the line of duty on May 3, 2016 in Iraq.

*** Held one week

Status/Recommendations:

PASS

CITY MANAGER

Item #: 201600635

ORDINANCE submitted by Harry Black, City Manager, on 5/11/2016, amending the official zoning map of the City of Cincinnati to rezone the real property located at 3775 Herron Avenue in South Cumminsville neighborhood from the SF-2, "Single Family," zoning district to the RM-1.2, "Residential Multi-Family," zoning district.

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

Item #: 201600645

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/18/2016, authorizing the City Manager to execute an Amendment to Agreement of Lease with Cintas Corporation No. 2, which leases space at Lunken Airport, to extend the term of the Lease and to grant the tenant the option to expand the leased premises.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201600647

ORDINANCE submitted by Harry Black, City Manager, on 5/18/2016, extending Interim Development Control District No. 78, "Walnut Hills Interchange Impact District," in the Walnut Hills neighborhood, as an interim development control district for a period of six months pursuant to Chapter 1431, "Interim Development Control Overlay Districts," of the Cincinnati Zoning Code.

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

Item #: 201600657

ORDINANCE submitted by Harry Black, City Manager, on 5/18/2016, levying assessments for unpaid costs for necessary sidewalk, sidewalk areas, curb and gutter construction, reconstruction and emergency repairs conducted at miscellaneous locations by the City of Cincinnati through its Sidewalk Safety Program, made in accordance with Cincinnati Municipal Code Sections 721-149 through 721-169.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201600659

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/18/2016, authorizing the City Manager to accept the in-kind donation of two Level 2 Electric Vehicle Chargers from Nissan Motor Company on behalf of the City's Parking Facilities Division for installation in a City-owned parking garage.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201600675

ORDINANCE submitted by Harry Black, City Manager, on 5/18/2016, determining to proceed for three years beginning August 1, 2015, with special street lighting assessments in Lighting Group 3 on the streets or portions of the streets described in Exhibit A hereto.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201600676

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/18/2016, authorizing the transfer of the sum of \$9,064,856 within the General Fund, from and to various operating accounts and the unappropriated surplus of the General Fund for the purpose of realigning and providing funds for the ongoing needs of City departments according to the attached Schedule of Transfer; and further AUTHORIZING the transfer of the sum of \$636,000 from the unappropriated surplus of the General Fund 050 to the unappropriated surplus of the Bond Retirement Fund 151 for the purpose of making the final repayment of \$636,000 for funds advanced in 2010.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201600677

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/18/2016, authorizing the transfer of the sum of \$4,088,569 within the Restricted Funds, from and to various operating accounts and the unappropriated surplus of the respective Restricted Funds; and further AUTHORIZING supplemental appropriations totaling \$644,317, for the purpose of realigning and providing funds for the ongoing needs of City departments in accordance with the attached Schedules of Transfer.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201600678

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/18/2016, authorizing the transfer of and return to source the sum of \$370,000 from the unappropriated surplus of Fleet Service Fund 202 to the Reserve for Internal Service Funds account no. 2530 within the General Fund; and further AUTHORIZING an advance of the sum of \$370,000 from the Reserve for Internal Service Funds account no. 2530 within the General Fund to balance sheet account no. 2820, Fund Advance within the Highway Maintenance Stores Fund 210, for the purpose of increasing the amount in the fund advance within the Highway Maintenance Stores Fund.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201600681

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/18/2016, authorizing the City Manager to execute a Lease Agreement with Artsville Corporation, an Ohio non-profit corporation, for the lease of City-owned property located at 5021 Whetsel Avenue in the Madisonville neighborhood of Cincinnati, for an initial term of one year with nine one-year renewals, at base rent of \$1.00 per year, for the operation of a community art center.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201600639

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, regarding safety on Freedom Way. (SEE DOCUMENT #201600379 FOR COMMUNICATION)

Status/Recommendations:

LAW & PUBLIC SAFETY COMMITTEE

Item #: 201600648

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, regarding Special Event Permit Application for An Evening At Museum.

Status/Recommendations:

FILE

*** FILED

Item #: 201600655

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, regarding Special Event Permit Application for Bunbury Music Festival.

Status/Recommendations:

FILE

*** FILED

Item #: 201600656

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, regarding Transportation Structures Infrastructure Program Update and Condition Reports for 2015.

Status/Recommendations:

TRANSPORTATION & REGIONAL COOPERATION COMMITTEE

Item #: 201600660

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 9487 Dry Fork Road LLC DBA (Not Listed) 1200 Race Street (CS2). (#63991010010, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600661

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 9487 Dry Fork Road LLC DBA (Not Listed) 1200 Race Street (CS3). (#63991010005, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600662

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 9487 Dry Fork Road LLC DBA (Not Listed) 1200 Race Street (CS4). (#63991010015, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600663

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 9487 Dry Fork Road LLC DBA (Not Listed) 1200 Race Street (CS1). (#6399101, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600664

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Sol 1 Interests LLC DBA (Not Listed), 1208 Main Street (CS1). (#8356801, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600665

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Sol 1 Interests LLC DBA (Not Listed), 1208 Main Street (CS2). (#83568010010, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600666

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Sol 1 Interests LLC DBA (Not Listed), 1208 Main Street (CS3). (#83568010005, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600667

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Sol 1 Interests LLC DBA (Not Listed), 1405 Clay Street. (#83568010015, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600668

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Urban Sites LLC DBA (Not Listed), 1417 Main Street. (#91736750005, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600669

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Urban Sites LLC DBA (Not Listed), 111 East Thirteenth Street. (#9173675, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600670

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for GBG Strategies LLC DBA (Not Listed), 1203 Main Street. (#3086334, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600671

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Pleasant Hospitality LLC DBA (Not Listed), 118 West Fifteenth Street. (#7008725, Transfer of Ownership and Location, D1, D2, D3, D6) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600672

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 209 Limited LLC DBA (Not Listed), 1302 Clay Street. (#9115248, New, D5J) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600673

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Olive Garden Holdings LLC DBA Oliver Garden 4496, 3290 Vandercar Way. (#6236218, Transfer of Location, D2, D2X, D6) [Objections: None]

Status/Recommendations:

FILE

*** FILED

Item #: 201600674

REPORT, dated 5/18/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Olive Garden Holdings LLC DBA Oliver Garden, 3290 Vandercar Way. (#6236218, New, D3) [Objections: None]

Status/Recommendations:

FILE

*** FILED

CLERK OF COUNCIL

Item #: 201600682

STATEMENT, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Charles E. Winburn, Councilmember (ETHICS)

Status/Recommendations:

FILE

*** FILED

Item #: 201600683

STATEMENT, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Wendell P. Young, Councilmember (ETHICS)

Status/Recommendations:

FILE

*** FILED

Item #: 201600684

STATEMENT, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Amy Y. Murray Councilmember (ETHICS)

Status/Recommendations:

FILE

*** FILED

Item #: 201600685

STATEMENT, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Yvette R. Simpson Councilmember (ETHICS)

Status/Recommendations:

FILE

*** FILED

NEIGHBORHOODS COMMITTEE

Item #: 201600584

REPORT, dated 5/4/2016, submitted by Harry Black, City Manager, regarding Speed Humps on Lexington Avenue. (SEE DOCUMENT #201600451 FOR COMMUNICATION)

Status/Recommendations:

APPROVE & FILE

*** APPROVED AND FILED

Item #: 201600585

REPORT, dated 5/4/2016, submitted by Harry Black, City Manager, regarding Liberty Street Improvements - Undergrounding of Utilities. (SEE DOCUMENT #201600349 FOR COMMUNICATION)

Status/Recommendations:

APPROVE & FILE

*** APPROVED AND FILED